

REMARKS

In the Office Action dated June 14, 2007, the Examiner rejected claims 1-4, and 8¹-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,298,947 to Flynn. Applicant respectfully traverses the rejection as hereinafter set forth.

Claim 1 has been amended to specify that the fluid system being cleaned is a fuel-injection system in a vehicle. Support for this amendment may be found in paragraph [0022] of the present application. Applicant's claim 1 has been further amended to comprise a chamber in said container for receiving a cleaning solution, wherein the chamber is sized to hold a volume of cleaning solution required to complete a single cleaning of the fuel-injection system. Support for this amendment may be found in paragraph [0026] of the present application.

The Flynn '947 patent discloses cleaning an oil system within an engine rather than a fuel-injection system. *See* Flynn '947 Abstract. Additionally, the Flynn '947 patent uses a first container 3 to store cleaning solution and a second container 11 to contain a filter and connect to the oil system. Claim 1 requires a single container that holds all of the required cleaning solution, a filter, and is connectable to a fuel-injection system. Using a single container eliminates the need for a second container, a pump, and energy source for the pump. Thus, the Flynn '947 patent does not describe cleaning a fuel-injection system with a device that uses a single container to store the cleaning solution and mix it with fluid returned from the fuel-injection system. Consequently, as the Flynn '947 patent does not contain all of the limitations of Applicant's amended claim 1, Applicant submits that the rejection thereof under § 102 is improper and should be withdrawn. Such action is respectfully requested.

¹ The Office Action appears to have switched the rejections of claims 7 and 8. The explanation for the § 103 rejection of claim 8, matches claim 7 and vice versa.

Claim 2 is canceled.

Claims 3-12, which are dependent from amended claim 1, are submitted to be allowable, at a minimum, by virtue of their dependence from an allowable base claim. Applicant further submits that these claims are independently patentable by virtue of their containing additional limitations that are not found in the prior art. For example, claim 4, as currently amended, recites a pressure regulator coupled to the container and adapted to couple with a source of pressurized air. The Flynn '947 patent contains a pressure regulator, but it is coupled to the fluid supply line leading from the filter chamber to the engine. In contrast, the pressure regulator of claim 4 is coupled to the chamber where it is well-situated to regulate the pressure within the chamber.

Claim 8, for example, recites a vented cap. The purpose of the vented cap is to reduce or relieve pressure within the container by venting air out of the container. *See* present application [0038]. The "siphon breaker" 10 in the Flynn '947 patent admits air into the container, thereby increasing pressure for the purpose of preventing a vacuum. Thus, the vented cap and siphon breaker have the exact opposite function and the siphon breaker does not anticipate the vented cap.

Independent claim 13 has been amended to specify that the fluid system being cleaned is a fuel-injection system in a running vehicle. Support for this amendment may be found in paragraph [0022] of the present application. Applicant's claim 13 has been further amended to specify that the volume of cleaning solution that is required to clean the fuel-injection system be placed in the chamber before the cleaning commences. Support for this amendment may be found in paragraph [0026] of the present application. The Flynn '947 patent discloses cleaning an oil system within an engine rather than a fuel-injection system.

Additionally, the Flynn '947 patent uses a first container 3 to store cleaning solution and a second container 11 to contain a filter and connect to the oil system. Claim 13 requires, before commencing the cleaning process, placing all of the required cleaning solution in the container that contains a filter and is connected to the fuel-injection system. Using a single container eliminates the need for a second container, a pump, and energy source for the pump. Thus, the Flynn '947 patent does not describe cleaning a fuel-injection system with a device that uses a single container to store the cleaning solution and mix it with fluid returned from the fuel-injection system. Further, claim 13 requires the step of consuming the cleaning solution during the cleaning process, thereby eliminating the need to remove the cleaning solution after cleaning. In contrast, the Flynn '947 patent discloses that one must remove the cleaning solution (See Column 3, lines 25-38). Consequently, as the Flynn '947 patent does not contain all of the limitations of Applicant's amended claim 13, Applicant submits that the rejection thereof under § 102 is improper and should be withdrawn. Such action is respectfully requested.

Claims 14-19, which are dependent from amended claim 13, are submitted to be allowable, at a minimum, by virtue of their dependence from an allowable base claim. Applicant further submits that claims 14-19 are independently patentable by virtue of their containing additional limitations that are not found in the prior art. For example, claim 16 recites venting the container. The "siphon breaker" 10 in the Flynn '947 patent admits air into the container, thereby increasing pressure for the purpose of preventing a vacuum. Thus, the siphon breaker in the Flynn '947 patent lets air in rather than venting air out. Consequently, as the Flynn '947 patent does not contain all of the limitations of Applicant's claims 14-19, Applicant submits that the rejection thereof under § 102 is improper and should be withdrawn.

Rejections based on 35 U.S.C. § 103

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Flynn '947 patent in view of U.S. Patent No. 4,986,904 to Bugar et al. The Office Action admits that the Flynn '947 patent does not disclose a transparent container as recited in claim 5. The Bugar '904 patent describes a plastic housing for a reverse osmosis filter. The housing is not described as transparent within the Bugar '904 patent. The Office Action points to column 5, lines 26-30 as describing a transparent filter housing. However, a column 5 is not present in the Bugar '904 patent. Regarding claim 6, the Bugar '904 patent does not describe placing indicator or scale marks on the filter housing. Consequently, the combination of the Flynn '947 patent and the Bugar '904 patent does not teach or suggest each element of the claims as is required to establish a prima facie case of obviousness. Accordingly, Applicant submits that the rejection of claims 5 and 6 under § 103 is improper and should be withdrawn.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Flynn '947 patent in view of U.S. Patent No. 5,374,355 to Habiger et al. Claim 7 requires "a suspension hook atop the container operable for hanging the container." Such a suspension hook is not suggested by the Habiger '355 patent. The section of the Habiger '355 patent cited by the Examiner recites an arresting hook that holds a spring in place. *See* Habiger '355 patent at column 4, lines 53-61. This arresting hook is not functional for hanging the container as described in claim 7 and is not "attached atop" a container, as required by claim 7. The Office Action further states, "[s]uch hook would have been an obvious expedient for accessing the filter housing so as to remove and replace or clean the filter." Accessing the filter housing is not the function, stated within the claim, for the hook. The claim states that the hook's function is to suspend the container. The hook in the Habiger '355 patent is not capable of suspending a

container. The purpose of the hook in the Habiger '355 is to hold a spring in place. Consequently, the combination of the Flynn '947 patent and the Habiger '355 patent does not teach or suggest each element of the claim as is required to establish a prima facie case of obviousness. Accordingly, Applicant submits that the rejection of claim 7 under § 103 is improper and should be withdrawn.

Explanation of New Claim

Claim 20, which is new, recites a device for cleaning the fuel-injection system in a diesel engine. The device includes a transparent container "adapted to receive fluid, mix the fluid with a cleaning solution, and return the fluid to the fuel-injection system utilizing only the pressure supplied to the fluid by the fuel-injection system." In other words, the device uses the motive force supplied by the fuel-injection system to receive, mix, and discharge fluid from the container. This is in contrast to the Flynn '947 patent where the cleaning solution is pressurized by an external pump 26.

CONCLUSION

For at least the reasons stated above, claims 1 and 3-20 are submitted to be in condition for allowance. Applicant respectfully requests withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or cnewton@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/Clinton G. Newton/

Clinton G. Newton
Reg. No. 42,930

CN/JH
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550